



Third-Party Intermediaries and Crisis Negotiations

By STEPHEN J. ROMANO

From March 25 to June 13, 1996, a remote ranch in Montana provided the backdrop for the longest siege between armed suspects and law enforcement authorities in the history of the United States. The group of lawbreakers, known as the Freemen, reportedly held strong anti-government beliefs, threatened public officials, and produced fraudulent financial instruments to purchase vehicles and cover tax and mortgage debts. The majority of the members had several local and federal warrants outstanding for their arrest.

This 81-day standoff served as the first major test of the FBI's

Critical Incident Response Group (CIRG) and provided an opportunity to examine, implement, and reassess several crisis negotiation techniques, particularly the use of third-party intermediaries (TPIs). As a result of this experience, the FBI's policy regarding the use of TPIs has not changed: The negotiation of hostage or barricade situations remains the responsibility of law enforcement and should be conducted by law enforcement negotiators. However, these incidents often require flexibility and creativity from negotiators to resolve successfully. Using TPIs illustrates one crisis negotiation technique that proves effective if

employed prudently and within an appropriately controlled atmosphere.

CAUTION AND CONTROL

While TPIs consist of individuals not connected with the law enforcement profession, two main types predominate: family/associate and formal/official intermediaries. Family members and close friends can appeal to subjects' emotional needs, furthering a "divide and conquer" strategy and undermining the unity inherent among subjects in a siege situation. Public officials or other advocates can influence subjects' viewpoints and broker solutions more

acceptable to the group. During the Freeman siege, CIRG negotiators used both types of TPIs. Regardless of the category, negotiators carefully scrutinized each TPI for suitability and effectiveness in achieving prescribed mission objectives. While TPIs proved valuable in the successful resolution of the Freeman siege, crisis managers and negotiators should understand that using TPIs in all hostage or barricade situations remains uncertain and should not be considered a panacea for these types of incidents.

Negotiators must exercise caution when using TPIs because these individuals are not trained in negotiation skills. Also, they may respond inappropriately to stress; they may bring unknown biases and relationships into play; and they may serve as potential audiences for homicides or suicides. While these limitations exist, they can be minimized through deliberate and calculated selection and screening of potential TPIs. Further, law enforcement negotiators should provide TPIs with complete instructions, stressing restrictions and precautions, regarding the role TPIs play in the negotiation process. Also, negotiators must employ certain controls in determining when to use TPIs, how to identify appropriate ones, what relationships exist between TPIs and subjects, and how TPIs should contact subjects in hostage or barricade incidents.

When to Use TPIs

First, negotiators should not rush into using TPIs, but determine carefully if such intervention will

help the operation. It takes time to develop the essential intelligence that allows negotiators to ascertain the advantage of using TPIs. Often, TPIs prove useful in surmounting the mistrust subjects have for law enforcement officials. During the Freeman siege, for example, group members repeatedly refused to recognize any government authority, thereby necessitating the use of TPIs to open the dialogue and later to facilitate a reasonable settlement.

Additionally, negotiators must identify the risks and benefits of using untrained individuals who may be emotionally involved with the subjects in these situations. Once negotiators decide that TPIs may help to resolve an incident, they must allow strong emotions and tensions to subside before permitting TPIs to enter the process. Moreover, subjects in these situations must ventilate and reduce their hostilities before they can begin to discuss matters rationally. Therefore, negotiators should pursue the use of TPIs only after thoroughly considering the potential

problems, as well as advantages, that may result from this type of intervention.

How to Identify Appropriate TPIs

Negotiators must identify potential TPIs carefully. Several issues impact this selection process. First, negotiators must consider whether the subjects asked to speak with particular individuals or if family members, friends, or associates came forward and requested to speak with the subjects. Who initiated the contact influences the identification process and can prioritize the importance of specific potential TPIs. Also, negotiators must examine the reasons that the subjects want to talk with the requested individuals and vice versa. During the Freeman siege, examples of these two issues involved the use of TPIs with credentials and beliefs acceptable to the group. Over time, however, the Freeman rejected these TPIs, who reported to the media that the Freeman were not true believers but criminals unwilling to compromise. These

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reports undercut Freeman support throughout the United States and left them isolated and condemned by the people they had looked to for sustenance.

Finally, negotiators need to determine whether hidden agendas exist between the subjects and the potential TPIs and if these situations could place the TPIs in danger. Negotiators must remember that these incidents involve highly charged human emotions and must be examined from everyone's perspective to avoid placing potential TPIs in unsafe circumstances.

What Relationships Exist Between TPIs and Subjects

Negotiators should obtain as much information as possible regarding the relationships between the subjects and the potential TPIs. Through independent investigation and in-depth interviews, negotiators can gather pertinent details to establish the nature of these relationships. Besides determining suitability, negotiators also should assess potential TPIs' abilities to accept directions and coaching from law enforcement professionals. TPIs must understand what their roles are and how they must conduct themselves during the negotiation process, regardless of their feelings for the subjects. For example, during the Freeman siege, all TPIs were fully briefed before and debriefed after each contact. They had to perform as instructed or they could not function in that capacity again. Out of the 45 TPIs used during the siege, only 2 failed to follow instructions. While knowledge of the relationships between subjects and TPIs

can help negotiators use these individuals to the greatest operational advantage, determining TPIs' willingness to cooperate and work with law enforcement authorities proves paramount to successful negotiations.

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How TPIs Should Contact Subjects

To effectively use TPIs, negotiators must choose the appropriate method of contacting subjects in hostage or barricade situations. Some methods afford a greater degree of safety and control, while others offer unique and varied aspects for specific situations. Negotiators should consider their ability to monitor the interactions, provide real-time input or coaching for TPIs, ensure adequate safety for TPIs, and terminate the contact if necessary. Five primary methods of contact exist for negotiators to explore when considering the use of TPIs in hostage or barricade incidents. Most methods proved useful to some extent during the Freeman siege.

Telephone Contact

Telephone contact provides the safest, optimal method of

controlling TPIs. This method prevents TPIs from becoming exposed to physical danger or capture. It further facilitates monitoring and active coaching, through handwritten notes, by the negotiation team. Also, negotiators can initiate and terminate the telephone calls, which allow them to proactively structure the tone and content of the contact and keep within their desired negotiation strategy.

Voice Contact

While similar to telephone contact, voice contact from behind cover proves less desirable, yet remains an acceptable method. Negotiators can monitor and coach TPIs during the interaction and adequately address safety concerns because TPIs remain shielded from subjects. However, despite good TPI dialogue preparation, this type of contact still lends itself to a free-flowing interaction that can result in control problems and termination difficulties for negotiators. Therefore, negotiators must weigh the risks and benefits carefully before employing this method of contact.

One-way Communication

Alternately, one-way communication techniques, including written notes and audiotapes or videotapes, make excellent use of TPIs. Negotiators can control the interactions in this method of contact by actually preparing what TPIs say. Moreover, the lack of physical proximity guarantees the safety of TPIs. Frequently, subjects threatening to commit suicide prove responsive to this form of communication. A positive taped message

from a loved one, scripted by negotiators, can provide subjects with needed support, yet prevent them from responding negatively, lashing out and blaming TPIs, or resurrecting unresolved problems or issues.

Formal Meetings

The formalized meeting method proves effective in situations involving groups of subjects, especially during prison uprisings and domestic terrorist confrontations. Subjects view these structured meetings as a formal coming together of equals on neutral ground, similar to a wartime peace summit. TPIs can effectively suggest and facilitate such meetings to bring hostile adversaries (police and subjects) together. Negotiators must use great care in setting the ground rules and structure for such meetings, to include a firm no-weapons policy. Further, negotiators should try to ensure that these meetings occur in an open area where all participants can be plainly observed, providing an enhanced sense of security and safety. However, negotiators should not use this method of contact too early in the incident. They should wait until relationships have become clear, leadership has been established, and threats have subsided.

Face-to-face Contact

Finally, the face-to-face method of contact, either outside or inside the crisis site, provides the least amount of safety and control for TPIs. Before using this method, negotiators must ensure that they fully comprehend the relationships existing between the subjects and



the TPIs, the loyalty of the TPIs, and the TPIs' abilities to think quickly and effectively under pressure. If possible, negotiators should have a technical means in place to monitor what the TPIs say and to detect potential safety concerns.

RESOLUTIONS AND CONSEQUENCES

Although every hostage or barricade situation has unique aspects, past incidents have demonstrated how TPIs can act as stimuli or rewards for subjects who surrender and as guarantors of prearranged agreements between the subjects and the authorities. Withholding the ability to talk or meet with a desired individual constitutes a powerful motivator in achieving successful hostage or barricade resolution. Moreover, whenever possible, negotiators should honor the promises made as part of a negotiated surrender.

Using TPIs during the surrender process provides a frequently needed face-saving device for subjects to maintain their dignity. Subjects surrendering to TPIs may

perceive the act as easier and more culturally acceptable. Often, subjects view surrendering to law enforcement authorities as total capitulation and something to avoid at all costs. However, trusted TPIs can provide an alternative solution.

In most cases, the last hurdle for negotiators to overcome involves the subjects' mistrust of law enforcement officials. Questioning the credibility of authorities, especially with regard to guaranteeing their safety, remains the consummate concern of subjects involved in hostage or barricade situations. The presence of reliable and loyal TPIs can serve to allay the anxiety subjects harbor about surrender agreements. This watchdog role of TPIs proves significant in sealing the surrender process and obtaining peaceful resolutions to these incidents.

CONCLUSION

During the Freeman siege, negotiators faced many challenges and used numerous third-party intermediators in several methods of contact with varying degrees of effectiveness. However, the

successful resolution of the Freeman siege does not mean that this crisis management strategy should serve as a template for negotiating with similar groups in the future.

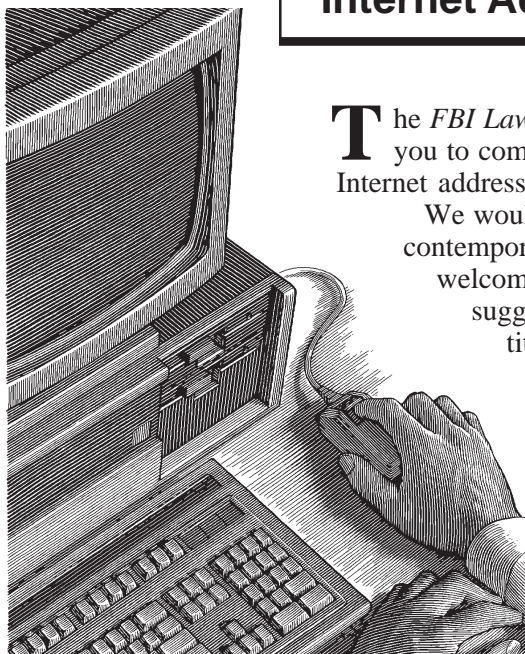
All hostage or barricade situations prove unique, and few absolute strategies exist in the negotiation profession. Random, uncontrolled use of TPIs in any incident remains unwise and probably counterproductive. The simplistic and potentially dangerous view of sending in a vast quantity of individuals in the hope that someone will eventually succeed remains a

mistaken belief. Twenty years of anecdotal and impressionist evidence suggests that the uncontrolled use of TPIs often has led to tragic consequences for all involved. Instead, negotiators must understand that the judicious and controlled use of carefully selected TPIs stands as a potent negotiation weapon in some hostage or barricade situations.

The 81-day Freeman siege in Montana provided a unique opportunity to examine the effectiveness of using TPIs. While this technique, combined with restraint,

patience, and flexibility, contributed greatly to the peaceful resolution of a potentially dangerous incident, not all hostage or barricade situations warrant such intervention. Law enforcement authorities must ensure that caution and control remain uppermost in the minds of negotiators when TPIs become part of their crisis management strategy. In this way, negotiators can use third-party intermediaries as another tool in their attempts to resolve tense and potentially tragic hostage or barricade situations. ♦

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